

CHAPTER NO. 75

HOUSE BILL NO. 2362

By Representatives Curtiss, Rhinehart

Substituted for: Senate Bill No. 2170

By Senator Cooper

AN ACT to enact the "Warren County Junkyard/Scrapyard and Landfill Regulations Act of 2000".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as the "Warren County Junkyard/Scrapyard and Landfill Regulations Act of 2000."

SECTION 2. The purpose of this act is to promote and protect the public safety, health, welfare, convenience and enjoyment of public travel; to protect the public investment in public highways and county roads; to protect and prevent the spread of disease and creation of nuisances; to preserve and enhance the scenic beauty of lands within the county; to establish regulations for landfills for disposal of solid wastes; and to protect the integrity of existing natural systems. This act applies to persons or entities who own or operate a junkyard/scrapyard or a landfill, including persons or entities that have developed a "roadside dump" or "hillside dump" with or without the permission of the property owner.

SECTION 3. As used in this act, unless the context otherwise requires:

(1) "Landfill" means any non-governmental private landfill operation that seeks to be established within the county boundaries of Warren County.

(2) "Junkyard/scrapyard" means an establishment or place of business that contains more than five (5) unlicensed and/or inoperable motor vehicles of any kind, or internal parts thereof, appliances or parts thereof, furniture, mattresses, box springs, or parts thereof, scrap copper or brass, steel or scrap ferrous or nonferrous material, unoccupied mobile homes or mobile home parts that are not part of a state-licensed dealer's operation, or any garbage, debris, trash or scrap metal processors. "Junkyard/scrapyard" does not include recycling centers or places at which locally handcrafted wood rockers or swings are made, displayed or sold.

(3) "Solid Waste Authority" means the body that may be established by resolution to oversee any solid waste operation within Warren County.

SECTION 4. The following requirements shall apply to any junkyard/scrapyard to be established, operated or maintained in Warren County. These requirements are intended to be supplemental to Tennessee Code Annotated, Title 54, Chapter 20, Parts 1 and 2, and any rules and regulations promulgated pursuant thereto, which regulate junkyards and automobile graveyards. If any of the provisions of this act conflict with the provisions of general law, by being less stringent than the general law requirements or otherwise, then the general law provisions shall govern the matter at issue.

(1) Every junkyard/scrapyard shall have an opaque privacy screening on all perimeter property lines consisting of a fence at least eight feet (8') in height

and/or landscaping consisting of evergreen vegetation, preferably pines, planted in double rows. Such vegetation shall be at least eight feet (8') tall, fifteen feet (15') in width and ten feet (10') apart. Such screening or vegetation shall be constructed so that the junkyard/scrapyard is not visible from the main traveled ways of an interstate or primary highway system, or is otherwise removed from sight.

(2) The following setback requirements shall apply to every junkyard/scrapyard in Warren County:

(A) The junkyard/scrapyard shall be set back at least one hundred feet (100') from any city, county or state right-of-way;

(B) The junkyard/scrapyard shall be set back at least one hundred feet (100') from any residence, church, school, daycare center or vacant or occupied subdivision lot; and

(C) The junkyard/scrapyard shall be set back at least one hundred feet (100') from all other property lines not specified above.

(3) Notwithstanding any provision of this act to the contrary, in accordance with Tennessee Code Annotated, Section 54-17-108, no person shall construct, use, operate or maintain a junkyard/scrapyard within two thousand feet (2000') of any road or highway that is designated as part of the scenic highway system and which is located outside the corporate limits of a city or town in Warren County.

(4) Entrances to and exits from a junkyard/scrapyard shall be paved, at least twenty-four feet (24') wide, and shall adjoin a county or state road. Roads extending into and onto the junkyard/scrapyard shall be at least fifty feet (50') in length as measured from the road right-of-way (this measurement shall not be taken from the edge of the pavement).

(5) Junkyard/scrapyards may be "grandfathered in" and deemed in compliance with this act at the discretion of the Warren County Planning Commission under the following conditions:

(A) The existing junkyard/scrapyard was completed and began operation before the effective date of this act; and

(B) The existing junkyard/scrapyard meets or will come into compliance with the screening requirements of this act.

(6) The expansion of any junkyard/scrapyard in existence as of this act's effective date shall be considered a violation of this act if such expansion does not meet the requirements of subdivision (4).

(7) All requests for the construction or operation of a junkyard/scrapyard shall be submitted to the Warren County Planning Commission for review for compliance with this act and shall be accompanied by a development plat.

SECTION 5. The following requirements shall apply to any landfill to be established, operated or maintained in Warren County. These requirements are intended to be supplemental to Tennessee Code Annotated, Title 68, Chapter 211, and any rules and regulations promulgated pursuant thereto, which regulate solid waste disposal. If any of the provisions of this act conflict with the provisions of general law, by being less

stringent than the general law requirements or otherwise, then the general law provisions shall govern the matter at issue.

(1) All landfills in Warren County shall have an opaque privacy screening on all perimeter property lines consisting of a fence at least eight feet (8') in height and/or landscaping consisting of evergreen vegetation, preferably pines, planted in double rows. Such vegetation shall be at least eight feet (8') tall, fifteen feet (15') in width and ten feet (10') apart. Such screening or vegetation shall be constructed so that the junkyard/scrapyard is not visible from the main traveled ways of an interstate or primary highway system, or is otherwise removed from sight.

(2) The following setback requirements shall apply to every landfill in Warren County:

(A) The landfill shall be set back at least one thousand feet (1000') from any city, county or state right-of-way;

(B) The landfill shall be set back at least one thousand feet (1000') from any residence, church, school, daycare or vacant or occupied subdivision lot; and

(C) The landfill shall be set back at least one thousand feet (1000') from all other property lines not specified above.

(3) Entrances to and exits from a landfill shall be paved, at least twenty-four feet (24') wide, and shall adjoin a county or state road. Roads extending into and onto a landfill shall be a minimum of fifty feet (50') in length from the road right-of-way (this measurement shall not be taken from the edge of the pavement).

(4) All landfills shall conform and adhere to applicable state and federal laws, rules and regulations.

(5) A site plan for a proposed landfill shall be submitted to the Warren County Planning Commission for review for compliance with this act. The commission shall then hold a public hearing and make a recommendation regarding the landfill's compliance with this act. After review and a public hearing, the commission shall be the final authority to approve the landfill in regard to compliance with this act. If the plan is approved, the County Executive shall issue a permit for the landfill.

(6) All landfill requests shall be subject to review and supervision by the Department of Environment and Conservation in accordance with applicable state law, rules and regulations. Such requests shall also be subject to review by the Warren County Solid Waste Authority, if such an authority is established.

SECTION 6. It shall be a violation of this act for any person or entity to establish or operate a junkyard/scrapyard or landfill within Warren County without approval from the Warren County Planning Commission as required by this act. Violators shall be subject to a civil penalty of up to one thousand dollars (\$1,000) per day. Each day of violation shall constitute a separate offense.

SECTION 7. The Legislative Body of Warren County shall have the authority to establish operational procedures for administering the provisions of this act and to establish reasonable fees for the administration thereof.

SECTION 8. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 9. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Legislative Body of Warren County. Its approval or nonapproval shall be proclaimed by the presiding officer of the Legislative Body and certified to the Secretary of State.


SECTION 10. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 9.

PASSED: February 7, 2000


JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 16th day of February 2000


DON SUNDQUIST, GOVERNOR